

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

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2222 Wellington Court
Lisle, IL 60532
ETATS-UNIS D'AMERIQUE

DEC 12 2003

By

PCT

WRITTEN OPINION
(PCT Rule 66)

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| Date of mailing (day/month/year) | | 04.12.2003 |
| Applicant's or agent's file reference A2-166PCT | | REPLY DUE within 2 month(s) from the above date of mailing |
| International application No. PCT/US03/05915 | International filing date (day/month/year) 26.02.2003 | Priority date (day/month/year) 26.02.2002 |
| International Patent Classification (IPC) or both national classification and IPC H01R13/648 | | |
| DOCKET <i>FENII</i> Case No. : <i>A2-166 PCT</i> | | |
| <p>1. This written opinion is the first drawn up by this International Preliminary Examining Authority.</p> <p>2. This opinion contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the opinion II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application <p>3. The applicant is hereby invited to reply to this opinion.</p> <p>When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).</p> <p>How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.</p> <p>Also: For an additional opportunity to submit amendments, see Rule 66.4. For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis. For an informal communication with the examiner, see Rule 66.6.</p> <p>If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.</p> <p>4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 26.06.2004</p> | | |

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| Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465 | Authorized Officer Chelbosu, L Formalities officer (incl. extension of time limits) Mader, D Telephone No. +49 89 2399-2744 |
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I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-5 as published

Claims, Numbers

1-10 as published

Drawings, Sheets

1/4-4/4 as published

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages:
- the claims, Nos.:
- the drawings, sheets:

5. This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

| | | |
|-------------------------------|--------|-------|
| Novelty (N) | Claims | 4,5,8 |
| Inventive step (IS) | Claims | 1 |
| Industrial applicability (IA) | Claims | |

2. Citations and explanations**see separate sheet**

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. STATE OF THE ART

Reference is made to the following document:

D1: US-A-5 167 516 (H.-C. TAN ET AL) 1 December 1992

D2: US-B1-6 305 955 (T.B. BILLMAN) 23 October 2001

D3: US-A-5 879 173 (D.S. POPLAWSKI ET AL) 9 March 1999

The document D3 was not cited in the international search report (but cited in D2, col. 1, lines 24-34). A copy of the document is appended hereto.

2. LACK OF INVENTIVE STEP

The present application does not meet the requirements of Article 33(2) PCT because the subject-matter of the claim 1 is not inventive. The reasons are the following:

Document D3, which is considered to represent the most relevant state of the art, discloses an electrical connector from which the subject-matter of claim 1 differs in that:

F1: the electrical connector comprises a metal shell about at least a portion of the housing and the spring is conductive and is electrically coupled between the conductive portion of the shutter plate and said metal shell to ground the plate to the shell.

Feature F1 is described in document D2 as providing the same advantages as in the present application. The skilled person would therefore regard it as a normal option to include this feature in the electrical connector described in document D1 in order to solve grounding problem of the shutter.

3. DEPENDENT CLAIMS RELATED TO CLAIM 1

Dependent claims 4 and 5 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in

respect of novelty and/or inventive step, the reasons being as follows:

- the features of claim 4 are disclosed in D3 (col.16, line 33) and D1 (col.5, lines 47-51; fig.4);
- the features of claim 5 are disclosed in D1 (fig. 4).

4. LACK OF NOVELTY

The present application does not meet the requirements of Article 33(2) PCT because the subject-matter of the claim 8 is not new with respect to the document D1. The reasons are the following:

Document D1 discloses (the references in parentheses applying to this document):

an electrical connector, comprising:
a dielectric housing (fig. 1, reference 1) having a receptacle for receiving a complementary mating connector;
a plurality of conductive terminals (fig. 2B, reference P) mounted on the housing and having contact portions exposed in the receptacle for engaging appropriate contacts of the mating connector;
a metal shell (fig. 1, reference 2) about at least a portion of the housing;
a shutter plate (fig. 1, reference 3) movably mounted on the housing for movement between a closed position substantially closing said receptacle to prevent inadvertent engagement of foreign objects with the contact portions of the terminals and an open position allowing mating of said complementary mating connector, at least a portion of the shutter plate being conductive (description, col. 5, lines 46-51), the shutter plate including a dielectric core (description, col. 5, lines 46-51) with an inside face (see fig. 4) which faces the contact portions of the terminals and said conductive portion of the shutter plate comprising a metal cover (description, col. 5, lines 46-51) over at least a part of the dielectric core; and
grounding means coupled to said at least a portion of the shutter plate for dissipating static electricity at the receptacle (see description, col. 5, lines 46-64)

Therefore, the subject-matter of claim 1 is not new.

5. MISCELLANEOUS

5.1 Although claims 1 and 8 have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought and in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness. Moreover, lack of clarity of the claims as a whole arises, since the plurality of independent claims makes it difficult, if not impossible, to determine the matter for which protection is sought, and places an undue burden on others seeking to establish the extent of the protection.

Hence, claims 1 and do not meet the requirements of Article 6 PCT (see also PCT-IPE Guidelines III-3.2, 3.3).

5.2 The combination of the features of dependent claims 2, 3, 6, 7 respectively 9 and 10 are neither known from, nor rendered obvious by, the available prior art. It is suggested therefore that a new independent claim be drafted to include the features of one of said claims, bearing in mind that the features known in combination in D1 should be placed in the preamble of such a claim in accordance with Rule 6.3(b) PCT.

The applicant is requested to file amendments by way of replacement pages in the manner stipulated by Rule 66.8(a) PCT. In particular, fair copies of the amendments should be filed preferably in triplicate.

Moreover, the applicant's attention is drawn to the fact that, as a consequence of Rule 66.8(a) PCT the examiner is not permitted to carry out any amendments under the PCT procedure, however minor these may be.